

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | Case No. 1:99 CV 1193 |
| |) | |
| Plaintiff, |) | Judge Dan Aaron Polster |
| |) | |
| vs. |) | <u>MEMORANDUM OF OPINION</u> |
| |) | <u>AND ORDER</u> |
| JOHN DEMJANJUK, |) | |
| |) | |
| Defendant. |) | |

This case is before the Court on the Motion of John Demjanjuk to Reconsider Memorandum of Opinion and Order of December 20, 2011 (“Reconsideration Motion”) (**Doc #: 238**). Demjanjuk asks the Court to reconsider its decision, issued on December 20, 2011 denying his motion for extraordinary relief under Fed. R. Civ. P. 60 without a hearing (“Rule 60(b) Motion”). (Doc #: 237.)

Motions for reconsideration are “ ‘extraordinary in nature and, because they run contrary to notions of finality and repose, should be discouraged.’ ” *Plaskon Elec. Materials, Inc. v. Allied-Signal, Inc.*, 904 F.Supp. 644, 669 (N.D. Ohio 1995) (quoting *In Re August, 1993 Regular Grand Jury*, 854 F.Supp. 1403, 1406 (S.D. Ind. 1994)). “As such, motions for reconsideration are granted ‘very sparingly.’” *Id.* (quoting *Bakari v. Beyer*, 870 F.Supp. 85, 88 (D. N.J. 1994)). While the Federal Rules of Civil Procedure do not provide for a motion for reconsideration, the Sixth Circuit has held such motions may be treated as a motion to alter or amend judgment under Rule 59(e). *Rodriguez v. City of Cleveland*, No. 1:08 CV 1892, 2009 WL 156956, at *1 (N.D.

Ohio Jun. 3, 2009) (citation omitted). Thus, a court may grant a motion to reconsider only if there is a clear error of law, newly discovered evidence or an intervening change in the controlling law, or to prevent manifest injustice. Fed. R. Civ. P. 59(e); *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). It is not the function of a motion to reconsider to renew arguments already considered and rejected by the court. *McConocho v. Blue Cross & Blue Shield Mut. of Ohio*, 930 F.Supp.1182, 1184 (N.D. Ohio 1996).

The Court has reviewed the Reconsideration Motion, the opposition brief (Doc #: 239) and the reply (Doc #: 240), and concludes that there is nothing in Demjanjuk's Motion which warrants the Court changing its December 20, 2011 decision denying his Rule 60(b) Motion without a hearing. Accordingly, the Court **DENIES** the Reconsideration Motion (**Doc #: 238**).

IT IS SO ORDERED.

/s/ Dan A. Polster January 20, 2012
Dan Aaron Polster
United States District Judge